

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on June 3, 2008 at 7:04 p. m. after the 6:30 p.m. caucus session, where the Council discussed pending agenda items, Rob Farmer and Kelly Lockhart of CCRP-DC – LUCA Project informed the Council of the project and results of their findings; Ms. Sherri Prah, owners of rental property on 32nd and Marion, requested the City to solve an illegally parked vehicles situation.

Mayor Cline presiding.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, Absent Commissioner Rick Hall, YEA Commissioner Joe McKenzie, Absent Commissioner David Schilling, YEA Mayor David Cline.

Also physically present were City personnel: City Administrator Alan Gilmore, City Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Community Development Coordinator Kyle Gill, Fire Chief Mike Chism, Deputy Police Chief Jeff Branson, and City Clerk Susan J. O'Brien.

Mayor Cline seconded by Commissioner Ervin moved to permit the electronic attendance of Commissioner Rick Hall due to employment purposes.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor Cline.

Commissioner Hall attended presently by means of audio conference at 7:05 p.m.

Mayor Cline seconded by Commissioner McKenzie moved to approve the consent agenda consisting of minutes of the Regular meeting May 20, 2008 and minutes of the Joint Council meeting May 29, 2008, payroll and bills for the last half of May, 2008.

Bills and payroll for the last half of May, 2008

General Fund

Payroll		\$	336,511.65
Bills		\$	<u>48,354.66</u>
	Total	\$	384,866.31

Hotel Tax Fund

Payroll		\$	1,810.08
Bills		\$	<u>23,800.54</u>
	Total	\$	25,610.62

Festival Management

Bills		\$	<u>707.04</u>
	Total	\$	707.04

Insurance & Tort Judgment

Bills		\$	<u>10,217.95</u>
	Total	\$	10,217.95

Water Fund

Payroll		\$	29,850.77
Bills		\$	<u>78,575.05</u>
	Total	\$	108,425.82

Sewer Fund

Payroll		\$	30,267.40
Bills		\$	<u>52,954.44</u>
	Total	\$	83,221.84

Cemetery Fund

Payroll		\$	5,399.56
Bills		\$	<u>227.04</u>
	Total	\$	5,626.60
<u>Health Insurance</u>			
Bills		\$	<u>84,293.01</u>
	Total	\$	84,293.01

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor Cline.

Mayor Cline opened the floor for public discussion. Mrs. Jackie Record updated the Council on the attendance of a meeting in Chicago with the FTA for Depot funding. Administrator Gilmore updated the Council on items to be completed by the June 13th deadline and Letter of No Prejudice (LONP) from FTA.

Commissioner McKenzie seconded by Commissioner Ervin moved to adopt Ordinance 2008-5255, approving the control of discharge by sump pumps onto public property.

CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2008-5255

AN ORDINANCE CONTROLLING THE DISCHARGE OF SUMP PUMPS ONTO PUBLIC PROPERTY

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, believes that it is in the best interest of citizens of the City of Mattoon to control the discharge from sump pumps onto public property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS as follows:

SECTION 1. Sections §50.131 of the Code of Ordinances of the City of Mattoon is hereby renumbered as §50.900.

SECTION 2. The following definition is hereby added to §50.117:

SUMP PUMP. A mechanical device used to remove liquid collected in a sump usually below basement floor level.

SECTION 3. The following Section is hereby added as Section §50.131.

Section §50.131 CONTROL OF DISCHARGE FROM SUMP PUMPS

(A) Sump pumps installed in structures shall discharge into a storm sewer, swale, ditch, creek, or detention basin, where there is a storm sewer, swale, ditch, creek, or detention basin within 150 feet of the property boundary that can be accessed by public rights-of-way and/or easements.

(B) Exceptions to the requirement of this section may be granted only through written permission of the Public Works Director if such exceptions are determined not to adversely affect the public health, safety and general welfare.

(C) Upon a property owner receiving written notification of a sump pump discharge not in accordance with this ordinance, the property owner will have 180 days to make changes which bring the discharge into compliance with this ordinance.

SECTION 4. The following section is hereby added as §50.132 of the Code of Ordinances of the City of Mattoon.

Section §50.132 PENALTY

(A) Any person, firm, or corporation who violates, disobeys, or refuses to comply with, or who resists the enforcement of any of the provisions of, §50.132 of the Code of Ordinances of the City of Mattoon shall, upon conviction, be fined at a sum of money not less than \$1, but not more than \$500 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5. This Ordinance shall be in full force and effect from and after its approval, passage, and publication.

Upon motion by Commissioner McKenzie, seconded by Commissioner Ervin, adopted this 3rd day of June, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner McKenzie, Mayor Cline
NAYS (Names): None
ABSENT (Names): Commissioner Schilling

Approved this 3rd day of June, 2008.

/s/ David W. Cline

David W. Cline, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on June 4, 2008.

Mayor Cline opened the floor for questions and comments. Director Wortman stated this ordinance is slightly different from the previously passed version and addresses compliance by property owners.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to adopt Special Ordinance 2008-1279, approving the variance of a setback and an increase in an intensity of use for a church located at 2520 Shelby Avenue.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2008-1279

AN ORDINANCE GRANTING VARIANCES FROM THE FRONT YARD SETBACK AND THE INTENSITY OF USE TO ENABLE CONSTRUCTION OF AN ADDITION TO THE BUILDING AT 2520 SHELBY AVENUE

WHEREAS there has been filed a written Petition by Maranatha Baptist Church for variances, respecting the property legally described as:

West one-third (1/3) of Lot Three (3) in Block Thirty-Five (35) in Noyes Addition to the Original Town, now City of Mattoon, Coles County, Illinois;

Commonly known as 2520 Shelby Avenue, Mattoon, Illinois.

WHEREAS, said petition requests that variances be granted pursuant to applicable ordinances of the municipality to allow the front yard setback along North 26th Street to be reduced to 5 feet and to increase the intensity of the use of the lot, not to exceed fifty-seven percent (57%), for construction of an addition to the existing church building; and

WHEREAS the zoning code allows thirty-five (35) percent lot intensity on a corner lot in R1 Single Family Residence Zoning District; and

WHEREAS the Zoning Board of Appeals held a properly noticed public hearing on May 6, 2008 regarding petitioners' request for said variances; and

WHEREAS both the Planning Commission and the Zoning Board of Appeals for the City of Mattoon have recommended that the requested variances be granted; and

WHEREAS the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variances are in the public interest.

Fingerprint Identification System in the amount of \$32,500. This is a fully funded grant which requires no matching local funds.

Mayor Cline opened the floor for question or comments. Mayor Cline inquired whether this grant was for software. Deputy Chief Branson answered affirmatively.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner McKenzie moved to recess to closed session at 7:16 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the price for sale or lease of property (5 ILCS 120(2)(c)(6)); the purchase or lease of real property (5 ILCS 120(2)(c)(5)); litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)); and employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)).

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor Cline.

Council reconvened at 7:40 p.m.

Attorney & Treasurer Owen, Administrator Gilmore and Council reviewed the request for additional funds from South Route 45 TIF and Business District Tax, proposed project within the I-57 East TIF final offer, proposed project north of Dettro Drive, lighting for Welcome Signs, nuisance violator situation, and LUCA results.

Commissioner McKenzie seconded by Commissioner Hall moved to adjourn at 8:05 p.m.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, Absent Commissioner Schilling, YEA Mayor Cline.

/s/ Susan J. O'Brien
City Clerk